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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,716	12/05/2003	Renato Colombo	9331.18512	1740

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EXAMINER

KEASEL, ERIC S

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,716

Applicant(s)

COLOMBO, RENATO

Examiner

Eric Keasel

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 18-24, 27-29, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18-24, 27-29, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on December 6, 2002. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Response to Amendment

2. The declaration under 37 CFR 1.132 filed September 19, 2006 is insufficient to overcome the rejection of the claims based upon rejections of record as set forth in the last Office action. However, since there are numerous anticipatory rejections, new grounds of rejection are given below.

Claim Objections

3. Claims 12 and 20 are objected to because of the following informalities:
- a. In claim 12, there appears to be words missing in line 5 (“...formed with the valve body at the outlet said first...”).
 - b. In claims 12 and 20, “being capable of being permanently crimpable” appears to be redundant (crimpable means capable of being crimped).
 - c. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 12-15, 18-24, 27-29, 33, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites that the couplings are sized to receive said female malleable sleeve. However, the male coupling members go in the female sleeve. So, it would appear that the female malleable sleeve is sized to receive the couplings.

Both independent claims appear to only positively recite a valve that can be connected to a conduit with a female sleeve (e.g. "a valve to be connected to a conduit with a female malleable sleeve"). However, other recitations in the claims suggest that the conduit and/or sleeve may be positively recited as a part of the invention. It is vague and indefinite as to whether the claims are meant to only positively the valve or if the claims are directed to a combination of the valve and other structure including the conduit and sleeve.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-15, 20-23, 27, 33, and 34 (as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Steele (US Patent Number 4,953,587).

Steele discloses a top-entry ball valve with both coupling members made integral with the valve body. The couplings are capable of being crimped. Please note, the anticipation is

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based on an interpretation of the claims positively reciting the valve only and not additional structure, such as the conduit and female malleable sleeve.

8. Claims 12, 18-21, 27-29, 33, and 34 (as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Readman (WO 2000/39495).

It should be noted that these claims broadly recite a valve body without a flow control mechanism (which are not recited until dependent claims 13 and 22). A tube reads on the broad recitation to a valve body without a flow control mechanism. Readman discloses the coupling and conduit being the same size and crimped with a female malleable sleeve as well as parts being annealed.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12-15, 18-24, 27-29, 33, and 34 (as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Readman in view of Steele.

If the claims are read so that every recitation is meant to be a positive recitation, Readman only lacks the top-entry ball valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the top-entry ball valve of Steele with the coupling/conduit/female sleeve connection of Readman in order to control flow and allow the ball to be removed from the top rather than requiring removing the housing from the flow line as taught by Steele.

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11. Claims 12-15, 18-24, 27-29, 33, and 34 (as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele in view of Readman.

If the claims are read so that every recitation is meant to be a positive recitation, Steele only lacks the coupling/conduit/female sleeve connection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the coupling/conduit/female sleeve connection of Readman with the top-entry ball valve of Steele in order to connect the valve to a flow line in a leak-free manner as taught by Readman.

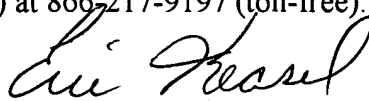
Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication should be directed to Eric Keasel at telephone number (571) 272-4929, who can normally be reached Monday-Friday. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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